

VZCZCXYZ0002
OO RUEHWEB

DE RUEHTC #0876/01 2911648
ZNR UUUUU ZZH
O 171648Z OCT 08
FM AMEMBASSY THE HAGUE
TO RUEHC/SECSTATE WASHDC IMMEDIATE 2116
INFO RUEHBY/AMEMBASSY CANBERRA PRIORITY 2771
RUEAIIA/CIA WASHDC PRIORITY
RUCPDO/DEPT OF COMMERCE WASHDC PRIORITY
RHEBAAA/DEPT OF ENERGY WASHDC PRIORITY
RUEKJCS/SECDEF WASHINGTON DC PRIORITY
RHEHNSC/NSC WASHDC PRIORITY
RUEKJCS/JOINT STAFF WASHDC PRIORITY
RHMFIUU/DTRA ALEX WASHINGTON DC//OSAC PRIORITY

UNCLAS THE HAGUE 000876

SENSITIVE
SIPDIS

STATE FOR ISN/CB, VCI/CCA, L/NPV, IO/MPR,
SECDEF FOR OSD/GSA/CN,CP>
JOINT STAFF FOR DD PMA-A FOR WTC
COMMERCE FOR BIS (ROBERTS AND DENYER)
NSC FOR FLY
WINPAC FOR WALTER

E.O. 12958: N/A
TAGS: [PARM](#) [PREL](#) [ETTC](#) [CWC](#)
SUBJECT: CWC: AUSTRALIA GROUP, TECHNICAL EXPERTS
INTERSESSIONAL MEETING, THE HAGUE, OCTOBER 8-9, 2008

REF: STATE 106875

This is CWC-48-08

SUMMARY AND OVERVIEW

11. (SBU) The Australia Group (AG) held a technical experts intersessional implementation meeting in The Hague from October 8-9, 2008. Discussion considered 3 proposals to the chemical control list and one proposal for the biological control list. Technical delegations considered a number of revisions to these proposals and accepted the following revised proposals:

- Addition of ceramic valves (AG/Mar08/CL/CDN/5 and AG/Mar08/CL/GB/32.Rev2)
- Ensuring that the toxic gas monitoring system control captures critical components (AG/Mar08/CL/GB/31.Rev3)
- Export controls of software (AG/Mar08/CL/FIN/4.Rev4)
- Updating and clarifying the control of cross (tangential) flow filtration equipment (AG/Apr08/CL/USA/15 and AG/Apr08/CL/GB/33.Rev2)

These proposals will be circulated to the entire Plenary under a 60-day silence procedure.

12. (SBU) Delegations supported consideration of issues for future implementation meetings to include a systematic review of the Control Lists. Delegations recommended holding a further Intersessional Implementation Meeting in the March/April 2009 timeframe. The United Kingdom offered to host this meeting.

CHAIRS INTRODUCTION

13. (SBU) The Intersessional Implementation Meeting considered a number of important proposals addressing gaps, potential loopholes, changes in technology and opportunities for greater clarity in the language of the AG documentation. The following member states were

represented: Argentina, Australia, Belgium, Bulgaria, Canada, Croatia, Czech Republic, the European Commission, Finland, France, Germany, Hungary, Japan, the Republic of Korea, the Netherlands, Norway, Romania, Sweden, Switzerland, Turkey, Ukraine, and the United Kingdom.

CHEMICAL CONTROL LISTS

¶4. (SBU) Addition of ceramic valves (AG/Mar08/CL/CDN/5 and AG/Mar08/CL/GB/32) was considered by the delegation. Canada provided additional clarity to the definition of ceramics in their proposal, suggesting three specific ceramics: silicon carbide, alumina of 99.9 percent or more purity, and zirconia. France proposed that ceramics related to pumps and incinerators should be considered similarly. The US, United Kingdom and Australia proposed that France submit individual proposals for consideration of any additional changes to pumps and incinerators control language. Germany questioned the need to specify a purity for zirconia but Canada stated that such a parameter was unnecessary. The delegation unanimously supported Canada's revisions. An additional revision limiting silicon carbide to a purity of 80 percent or more was agreed on the margins.

¶5. (SBU) Ensuring that the toxic gas monitoring system control captures critical components (AG/Mar08/CL/GB/31) was considered by the delegation with an intersessional revision by the United Kingdom. Finland suggested the addition of software as a possible negotiation of their own

addition of software as a possible negotiation of their own software proposal. Japan provided the delegation with a handout clarifying their concerns over controlling replaceable sensor cartridges. The Netherlands stated that they have had legal trouble with the phrase "especially designed". The delegation spent considerable time debating the terms "specially designed", "attributed to" and "dedicated". Final revised text was agreed to use "dedicated", where dedicated was understood to mean "committed entirely to a single purpose or device". The proposal was further revised to add control for sensors, replaceable sensor cartridges and software.

¶6. (SBU) Export controls of software (AG/Mar08/CL/FIN/4) was considered by the delegation. The delegation generally expressed strong support for this proposal which sought broad control of software on both biological and chemical control lists. The Netherlands reiterated the need for harmonization among export control regimes. Switzerland stated that they already control software for AG items to some extent in their legislation. Canada provided a specific case of a commercial explosives and narcotics detector that could be upgraded to a CW detector using manufacturer software patches. Australia also provided an example of firmware upgrades of handheld detectors that could have AG applicability. The US had the only dissenting opinion that software should not be broadly applied across the entire biological and chemical control lists. Considerable time was spent debating the issues of regime harmonization and technical applicability of software control to individual entries. The delegation agreed to add software to the AG Guidelines while limiting specific software entry to toxic gas monitoring systems. Definitions of software, programs and microprograms were added to the AG lists. The definitions adopted were identical to the Wassenaar and MTCR language. The US delegation obtained additional guidance from Washington prior to accepting these revisions.

BIOLOGICAL CONTROL LISTS

¶7. (SBU) Updating and clarifying the control of cross (tangential) flow filtration equipment (AG/Apr08/CL/USA/15

and AG/Apr08/CL/GB/33) was considered by the delegation. Japan requested clarity on the definition of "unsuitable due to their design" as this relies heavily on manufacturer's catalogs or installation certificates from the end user. The US and United Kingdom stated that resolution to this issue would be sought intersessionally with Japan. The revised proposal for consideration was limited to adding single-use, disposable cartridges. Switzerland supported the single-use issue, but, along with Japan, could not support the deletion of the terms "capable of being sterilized or disinfected in-situ" at this time. France proposed the addition of a 0.5 micron threshold but the United Kingdom stated that BW cuts across a broad particle range. Providing a particle size threshold would not be appropriate.

FUTURE DIRECTION FOR THE COMMON CONTROL LISTS
QFUTURE DIRECTION FOR THE COMMON CONTROL LISTS

¶8. (SBU) Delegations supported consideration of the following issues in future Implementation Meetings:

-- A more systematic and incremental review of the Control Lists (prioritized by intelligence feeds and science and technology developments, and also revisiting previous thematic presentations to include synthetic biology).

-- Specific topics worthy of further consideration include: nanotechnology (including reaching out to other export control regimes), AG implementation in a changed information environment (internet era), AG implementation

in a changed economic environment (cost structures and drivers), second-hand equipment, and software.

ANY OTHER BUSINESS

¶9. (SBU) Delegations recommended the holding of a further Intersessional Implementation Meeting, with March/April 2009 timing proposed. The United Kingdom offered to host such a meeting.

¶10. (U) Javits sends
GALLAGHER